

# Karim Asad Ahmad Khan

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Karim Asad Ahmad Khan was elected on 12 February 2021 as the new Prosecutor of the International Criminal Court (ICC). Photo credit UN

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**By Janet Sankale**

**Incoming chief prosecutor at the International Criminal Court (ICC)**

**Nationality:** British

**Term:** Nine years



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► Pressure mounts on the ICC



**Assumed Full-Time Duty:** June 16, 2021

**Elected:** February 12, 2021

## PROFILE:

Karim Khan, the new Prosecutor of the International Criminal Court, is a British lawyer with 28 years of experience in international criminal law and human rights. He will be the third Prosecutor of the ICC in June, replacing Fatou Bensouda after winning a majority vote of the members of the Assembly of States Parties (ASP) in February. He has been involved in cases at the ICC, the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Special Tribunal for Lebanon (STL).

Those who supported his candidacy cited his experience in international justice as an advantage that would enable him to efficiently carry out the duties of his new office. "Karim's extensive experience in international law will be pivotal in ensuring we hold those responsible for the most heinous crimes to account and gain justice for their victims," British Foreign Secretary Dominic Raab posted on Twitter. Raab has worked as legal counsellor at the British embassy in The Hague and has knowledge of the international court system.

Khan [Khan-CV-.pdf](#) holds a Bachelor of Laws degree from King's College, University of London, and was admitted to the bar in 1992. He is a holder of advanced diplomas in international human rights and international relations from Åbo Akademi University in Turku, Finland, and the Centre International de Formation Européenne in Nice, France. He is a candidate for a Doctor of Philosophy (DPhil) degree at Wolfson College, University of Oxford. He has two honorary doctorates from University College FAMA, Pristina, Kosovo, and the European University, Tirana, Albania. He is a Bencher of the Honourable Society of Lincoln's Inn and recorder of the Crown Court.

He has been Queen's Counsel (QC) since 2011 and is a familiar figure on the international legal scene, having served over the years both in the defence and the prosecution. According to an



prompting Khan to storm out of the court. (Simons, 2021)<sup>[1]</sup>. This earned him the displeasure of the presiding judge, who said his conduct bordered on contempt of court.

According to *The Africa Report* (Kiruga, 2021)<sup>[2]</sup>, several East African NGOs lobbied against Khan's election, primarily focusing on his role in the Kenya cases. He was the lead counsel for Francis Muthaura, a senior government official, and Deputy President William Ruto. The case was terminated in 2016. The civil society organisations accused Khan of contributing to the "deliberately tormented climate of political hostility" against the ICC and failing to comment about the murder of Meshack Yebei, a defence witness in his case.

In the lead-up to the ASP vote, Khan wrote an open letter to Journalists For Justice (JFJ), seeking to address the charges the civil society bodies had levelled against him. "The responsibility to physically protect, relocate, or support witnesses does not fall upon an individual counsel under the Rome Statute regime," he said.

The lawyer will have to navigate the complications of being unable to prosecute some cases related to his previous work, although the court can still act on the matters. These cases include the investigation into witness tampering and intimidation in the collapsed Kenya cases.

Between 1992 and 1996, Khan appeared in court regularly as a prosecution advocate for the Crown Prosecutor and Senior Crown Prosecutor, and an advocacy mentor to junior staff. He was a legal adviser in the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda between 1997 and 2000. As a member of the trial team at the ICTY, he worked on several cases with senior trial attorney Eric Ostberg and subsequently Grant Nieman. One of their cases was the one on Čelebići camp (Delalić et al.) in which Zejnil Delalić, Hazim Delić, Esad Landžo, and Zdravko Mucić were charged with torture, beatings, murder, and rape (Jia, 2001)<sup>[3]</sup>. Khan attended court and drafted filings and also participated in weekly legal advisers' meetings that discussed policy and legal issues that fell for consideration in the early days of the tribunal's work. He also participated in various indictment reviews.

In 1998, he assisted and advised the chief prosecutor of the ICTY and ICTR on legal issues, acting as a link between teams in Kigali, Arusha, and The Hague. Khan worked as a legal adviser and appeals counsel on various landmark cases including those of Jean-Paul Akayesu, Clement Kayishema & Obed Ruzindana, Jean Kambanda, and Omar Serushago (ICTR). In 2001, Khan was instructed as the lead defence counsel for Cancio Lopes de Carvalho, the



cases before the tribunal (Chifflet, 2006)<sup>[5]</sup>. He was also appointed by the Registrar of the ICTY as an independent counsel to the former chief of the Bosnian armed forces in the case of Prosecutor v. Sefer Halilović (van der Wilt, 2011)<sup>[6]</sup>. He acted as a defence counsel in Prosecutor v. Prlić et al. (Prlić et al., 2014)<sup>[7]</sup>.

In 2006 and 2007, Khan was lead defence counsel in the case of Prosecutor v. Charles Ghankay Taylor (former president of Liberia) before the Special Court for Sierra Leone (Mariniello, 2013)<sup>[8]</sup>. He led the investigation in Sierra Leone and Liberia while his team was based in The Hague.

In 2009, he was the pro bono lead counsel to the largest group of civil victims in the first case before the Extraordinary Chamber in the Courts of Cambodia, i.e. Prosecutor v. Kaing Geuk Eav, alias Duch (Gidley, 2019)<sup>[9]</sup>. Duch was successfully prosecuted and Khan acted as lead counsel for the victims in the subsequent appeal, which upheld that conviction. He led the international team that worked entirely pro bono and was able to secure funding for the group's national co-counsel. The representation was featured in the documentary, *Brother Number One*, (Goldson & Hamill, 2010)<sup>[10]</sup>.

He was also the lead investigation counsel in Kenya to more than 116,000 victim claimants from the Kipsigis and Talai communities seeking redress for alleged human rights abuses committed during the colonial period (K24, 2015)<sup>[11]</sup>.

Khan was the lead victim counsel (pro bono) between 2016 and 2018 in Sierra Leone for victims of rape and children born of rape by a Xaverian priest and victims of torture, sexual abuse, and a summary execution during the conflict in 1998-1999. The case was submitted to the Supreme Court of Sierra Leone and was featured in the documentary *Peacekillers* (English, 2018)<sup>[12]</sup> by Al Jazeera.

He represented Felix Agbor Nkongho a/k/a Balla as a pro-bono counsel. Agbor Nkongho, a human rights defender, former UN human rights officer, and Special Court for Sierra Leone trial chamber legal officer, was facing various charges carrying the death penalty on account of his activism on human rights breaches in Cameroon. Khan and ICTR Deputy Prosecutor Bernard Muna were granted right of audience and made several submissions before the military tribunal trying Agbor Nkongho in Yaounde. He was released and the country's president dropped the charges against him in 2017 (Brilman, 2018)<sup>[13]</sup>.



most important post in the court, driving its agenda by selecting the cases to pursue, in effect determining what events and which people to target. Khan will begin his new nine-year term at the court in The Hague on June 16, 2021.

“It is evident that Mr. Karim Khan and I share a joint conviction in the importance of the court and a duty to serve its crucial mandate. When he assumes office as the court’s new Prosecutor, I have no doubt he will continue to strengthen the OTP and to build on the accomplishments of the last nine years to advance the fundamental goals of the Rome Statute. He benefits from my confidence and the support of the office as he sets out to do so, ” ICC Prosecutor Fatou Bensouda said in a statement on the transition and related discussions with the Prosecutor-Elect (Court, 2021)<sup>[14]</sup>:

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